

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David Driscoll on 09/10/2010.

The application has been amended as follows:

In the title of the application, delete "Applicator" insert --A visual indication of a trigger intermediate position on an applicator--

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: In regards to base claims 1, 14, 15, 24 and 30, the prior arts fails to disclose in combination with other limitations of the claims, a visual indicator that is indicative of an intermediate trigger position, at which position the surgical clip held in the barrel portion is closed to a part closed position and that the visual indicator defining an elongate line extending in a direction between a pivot of the handle and a base end of the trigger. In regards to base claim 28, the prior art fails to disclose in combination with other limitation of the claim, an elongated removable stop member comprises a U-shaped member having legs that engaged the groove of the trigger that enable movement of the trigger past the

Art Unit: 3773

intermediate position between the first and second position when the U-shaped member is removed.

The cited reference in US Patent No. 5,486,185 to Freitas teaches a clip applier comprising a handle with recess in the handle and a trigger with a lock pin and locking slot in the trigger but fails to disclose a visual indicator line extending in a direction between a pivot of the handle and a base end of the trigger that indicative of an intermediate trigger position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./

Examiner, Art Unit 3773

/Gary Jackson/

Supervisory Patent Examiner

Art Unit 3731

September 12, 2010